

Application No. 09/721,728
Attorney Docket No.: 361916-991100
Appeal Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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/Timothy W. Lohse/
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Appl. No.	: 09/721,728	Confirmation No.	3523
Applicant	: Rani K. Yadav-Ranjan		
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Examiner	: Lalita M. Hamilton		
Docket No.	: 361916-991100		
Customer	: 26379		
No.			

Title: PROCESS AND DEVICE FOR CONDUCTING ELECTRONIC TRANSACTIONS

APPEAL BRIEF

Dear Sir/Madam:

This is a brief for an appeal from a Final Office Action mailed July 17, 2007, and from a Notice of Appeal that was filed on September 27, 2007.

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I. REAL PARTY IN INTEREST

The real party in interest in this appeal is the applicant.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals or interferences.

III. STATUS OF THE CLAIMS

The application was originally filed with Claims 1-41. Claims 1-19, 21-39 and 41 remain pending and all stand rejected and this is an appeal of rejected Claims 1-19, 21-39 and 41. Claims 1-19, 21-39 and 41 are reproduced and attached in the Claims Appendix.

IV. STATUS OF AMENDMENTS

Applicant had submitted a response to a first office action mailed on December 8, 2006 (the "First Office Action") after a Request for Continued Examination with arguments and these claims were finally rejected in the Final Office Action mailed on July 17, 2007 ("Final Office Action"). The claims that appear before the Board are those claims filed in the response and rejected in the Final Office Action and are attached hereto in the Claims Appendix.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a method for conducting a transaction using a medium based on a receipt having payment remittance information that comprises enabling a payor to authorize a payment due on the receipt to a payee. *See Patent Application Serial No. 09/721,728 (the “’728 Application”), pg. 12, Table 1, pp. 17-27, Examples 1-5 and pg. 29.* The method also involves associating the payment with the payment remittance information, communicating the payment instructions directly to the payee to initiate payment of the amount, and wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee. *See ’728 Application at pp. 12-17, Table 1, pp. 17-27, Examples 1-5 and pg. 29.*

Claim 2 is directed to a method of executing computer-executable instructions residing in or on a processor using a medium that comprises storing a receipt and a payment remittance information in a memory, the payment remittance information comprising a structured remittance data that is kept hidden from a payee, presenting the receipt to the payee without revealing the structured remittance data, enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data, associating the payment instructions with the structured remittance data; communicating the payment instructions from the memory directly to the payor to initiate payment of the amount, and routing the amount to a payee. *See ’728 Application, pp. 12-17, Table 1, pp. 17-27, Examples 1-5 and pg. 29.*

Claim 21 is directed to a device that comprises means for generating a receipt and a payment remittance information, means for enabling a payor to authorize a payment due on the receipt; means for associating the payment with the payment remittance information and means for communicating the payment instructions directly to the payor to initiate payment of the amount, wherein the device conducts a transaction using a medium and wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance

information further comprises a structured remittance data that is kept hidden from the payee.
See '728 Application at pp. 12-17, Table 1, pp. 17-27, Examples 1-5 and pg. 29.

Claim 22 is directed to a device that comprises means for storing a receipt and a payment remittance information, the payment remittance information comprising a structured remittance data that is kept hidden from a payee, means for presenting the receipt to the payee without revealing the structured remittance data, means for enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data; means for associating the payment instructions with the structured remittance data, means for communicating the payment instructions directly to the payor to initiate payment of the amount, and means for routing the amount to a payee. *See '728 Application at pp. 12-17, Table 1, pp. 17-27, Examples 1-5 and pg. 29.*

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are as follows:

- 1) Claims 1-19, 21-39 and 41 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,496,991 to Delfer, III et al. (hereinafter “Delfer”).

VII. APPELLANT’S ARGUMENT

A. Claim 1 Is Not Anticipated by Delfer

The Examiner has rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,496,991 to Delfer, III et al. (hereinafter “Delfer”). *See Final Office action at pg. 2.*

The Board should overturn this rejection because each element of claim 1 is not found expressly or inherently in Delfer in as much detail as in the claim for the reasons set forth below and therefore the anticipation rejection must be overturned by the Board.

1. Summary of Delfer

Delfer is an automated remittance system. *See Delfer Title.* Further, Delfer discloses an automated remittance system in which the consumers’ pre-authorization are obtained by a billing system provider 1 to initiate an electronic transfer of funds from the consumers’ depository accounts to a vendor’s depository account. *See Delfer Abstract.* Furthermore, “The billing service provider acts as a central processing facility for billing consumers of vendor clients.” *See Delfer at Col. 3, lines 50-52.* In Delfer, it is clear that the billing system provider (a third party) is involved in the automated remittance transaction between a consumer and a vendor so that the remittance information is not communicated directly to the payee.

In addition, Delfer discloses the automatic remittance system in which various pieces of payor information (identification data, account numbers, etc.) are stored in a database maintained by the billing service provider. *See Delfer at Col. 4, lines 15-29 and Figure 1, 1a.* Delfer also discloses remittance documents 6 that are used in the automated remittance system. *See Delfer at Col. 5, lines 33-56.*

2. Delfer System Compared to Claimed Invention

Unlike the Delfer system, the claimed method and device permits the payment instructions to be directly communicated to the payee from the payor thereby eliminating any third party involvement such as the billing system provider in Delfer. In addition, unlike Delfer in which remittance information may be shared with the payee and that does not contain a structured remittance data, the claimed invention specifically has a structured remittance data that is kept hidden from the payee.

3. Claim 1

1. A method for conducting a transaction using a medium based on a receipt having payment remittance information, comprising:

enabling a payor to authorize a payment due on the receipt to a payee;

associating the payment with the payment remittance information;

communicating the payment instructions directly to the payee to initiate payment of the amount; and

wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee.

(a) Examiner's Rejection of Claim 1

The examiner has rejected claim 1 as anticipated by Delfer for the reasons set forth in the First and Final Office actions as well as the Advisory Action. In the first office action after the Request for Continued Examination ("RCE"), the examiner cited only to a single portion of Delfer (Col. 5, line 33- Col. 6, line 55) in rejecting claim 1. *See First Office Action at pp. 2-5.* In the Final Office Action, the examiner reaffirmed the rejection made in the First Office Action and cited to two additional portions of Delfer (Col. 6, lines 30-50 and Col. 4, lines 1-15) in response to Appellant's arguments made in response to the First Office Action. *See Final Office Action at 2-3.* In the Advisory Action, the examiner reiterated the rejection, cited to Appellant's disclosure and then cited to several sections of Delfer previously cited by the examiner. *See Advisory Action at pg. 2.*

(b) Legal Standard for an Anticipation Rejection

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.

Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *See also MPEP 2131 et seq.*

(c) Each Element of Claim 1 is Not Found in Delfer

Each element of claim 1 is not found expressly or inherently in Delfer. In particular, the “communicating the payment instructions directly to the payee...” element and the “structured remittance data that is kept hidden from the payee” element are not found expressly or inherently in Delfer for the reasons set forth below.

(i) “Communicating the Payment Instructions Directly to the Payee...” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclose the “communicating the payment instructions directly to the payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant’s response to the First Office Action, it is clear in Delfer that the billing system provider (a third party) is involved in the automated remittance transaction between a consumer (the claimed payor) and a vendor (the claimed payee). In contrast, the claimed method permits the payment instructions to be directly communicated to the payee from the payor thereby eliminating any third party involvement such as the billing system provider in Delfer. Therefore, Delfer does not disclose and cannot disclose the direct communication between the vendor (the claimed payee) and the consumer (the claimed payor).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant’s argument to the First Office Action, that:

“Delfer discloses “communicating the payment instructions directly to the payee to initiate payment of the amount” (The bar coded information containing payment instructions is communicated to the sole vendor who may have funds directed to their depository, which is interpreted by the Examiner as payment instructions being communicated directly to the payee to initiate payment of the amount- col. 6, lines 30-40.” *See Final Office Action at pg. 2-3.*

As set forth in Appellant’s response to the Final Office Action, this conclusion is inaccurate because, even in the sole vendor embodiment set forth at Col. 6, lines 30-40, the payment instructions are not communicated directly to the payee as set forth in the claims. Delfer discloses that the instructions may be initiated by the vendor’s own depository (*See Delfer at Col. 6, lines 35-38*), but “Prior to the requested transactions, the host depository 12 (preferably a bank) has agreed with the billing service provider to act as the legal agency for conducting the inter-depository funds transfer” (*See Delfer at Col. 6, lines 38-42.*) It is clear that, in every embodiment, the billing service is in the middle of the transaction (see Figure 1 flowchart) as Delfer is a billing remittance system. Thus, even in the sole vendor embodiment, the payment instructions from the consumer goes to the billing service who then send those instructions onto the host depository 12 as shown clearly in the flowchart in Figure 1.

Furthermore, the examiner’s assertion for the structured remittance data element below directly contradicts the above assertion because the examiner specifically notes that “The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” This statement in Delfer clearly shows that Delfer does not communicate payment instructions directly with the payee.

Thus, the examiner’s assertion in the Final Office action is without merit.

(C) Advisory Action

In response to Appellant’s arguments made in response to the Final Office Action, the examiner cited pages 12-17 of Appellant’s specification stating:

“various means by which the invention may be carried out are disclosed. The means include computer instructions, keyboard, instructions initiated by entity, etc. Delfer discloses that the payment instructions may be communicated directly to the payee to initiate payment of the amount by way of computer instructions based on instructions initiated by the entity (col. 5, line 60 to col. 6, line 40).” *See Advisory Action at 2.*

While it is true that Appellant discloses various means for the different functions of the invention, nowhere does Appellant disclose that an element that performs the function of “communicating the payment instructions directly to the payee” can be carried out by “computer instructions, keyboard, instructions initiated by entity, etc.” Thus, the examiner citation to the specification in the Advisory Action is nonsensical.

Furthermore, the portions of Delfer cited by the examiner in the Advisory Action is the same as the portions of Delfer previously cited by examiner and therefore does not provide any additional support for the examiner’s position.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(ii) “Structured Remittance Data that is Kept Hidden From the Payee” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclosed the “structured remittance data that is kept hidden from the payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant's response to the First Office Action, nowhere does Delfer disclose or even suggest a payment remittance with a structured remittance data that is kept hidden from the payee (the vendor in Delfer).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant's argument to the First Office Action, that:

“The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” *Final Office Action at pg. 3.*

As set forth in Appellant's response to the Final Office Action, while the examiner's recitation of the disclosure in Delfer that the funds transfer is to the billing service provider is correct, Delfer does not specifically disclose that the “structured remittance data is kept hidden from the payee. The examiner's assertion is mere conjecture and there is nothing in Delfer that specifically discloses that the remittance data is kept hidden from the payee. Thus, the examiner has not shown that this claim element is found, expressly or inherently, in Delfer in as much detail as set forth in the claim

(C) Advisory Action

In response to Appellant's arguments made in response to the Final Office Action, the examiner stated:

“Delfer discloses a first computer to control the overall operation of the system, including storage means for database files and means for maintaining the currency of these database files (p.3, 59-65). Transmission of funds transactions held in transmittal files is done by any suitable means, including telephone, satellite transmission, or the like (p.6, 30-40). On p.13 of the Applicant's specification, the Applicant specifically discloses that the limitations may be performed by way of computer storage, wireless storage network, and keyboard.” *See Advisory Action at pg. 2.*

While the portion of the specification cited by the examiner discloses the elements cited by the examiner, those elements are simply elements that may be used to perform the recited function. However, simply finding those elements in Delfer as the examiner has done in the Advisory Action does not mean that the examiner has shown that the “structured remittance data that is kept hidden from the payee” claim element is found expressly or inherently in Delfer in as much detail as much detail as in the claims. Thus, nothing in the Advisory Action further supports the examiner’s rejection of this element of claim 1.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(iii) Conclusion

Thus, these two elements of claim 1 are not found, expressly or inherently, in Delfer in as complete detail as is contained in the claim for the reasons set forth above. Therefore, the examiner rejection of claim 1 as anticipated by Delfer is improper for the reasons set forth above and therefore the anticipatory rejection must be overturned by the Board.

B. Claim 2 Is Not Anticipated by Delfer

The Examiner has rejected Claim 2 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,496,991 to Delfer, III et al. (hereinafter “Delfer”). *See Final Office action at pg. 2.*

The Board should overturn this rejection because each element of claim 2 is not found expressly or inherently in Delfer in as much detail as in the claim for the reasons set forth below and therefore the anticipation rejection must be overturned by the Board.

1. Summary of the Delfer

The summary of Delfer is set forth above and will not be repeated here.

2. Delfer Compared to Claimed Invention

The comparison of Delfer and the claimed invention is set forth above and will not be repeated here.

3. Claim 2

2. A method of executing computer-executable instructions residing in or on a processor using a medium, comprising:

storing a receipt and a payment remittance information in a memory, the payment remittance information comprising a structured remittance data that is kept hidden from a payee;

presenting the receipt to the payee without revealing the structured remittance data;

enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data;

associating the payment instructions with the structured remittance data; communicating the payment instructions from the memory directly to the payor to initiate payment of the amount; and

routing the amount to a payee.

(a) Examiner's Rejection of Claim 2

The examiner has rejected claim 2 as anticipated by Delfer for the reasons set forth in the First and Final Office actions as well as the Advisory Action. In the first office action after the Request for Continued Examination ("RCE"), the examiner cited only to a single portion of Delfer (Col. 5, line 33- Col. 6, line 55) in rejecting claim 2. *See First Office Action at pp. 2-5.* In the Final Office Action, the examiner reaffirmed the rejection made in the First Office Action and cited to two additional portions of Delfer (Col. 6, lines 30-50 and Col. 4, lines 1-15) in response to Appellant's arguments made in response to the First Office Action. *See Final Office Action at 2-3.* In the Advisory Action, the examiner reiterated the rejection, cited to Appellant's disclosure and then cited to several sections of Delfer previously cited by the examiner. *See Advisory Action at pg. 2.*

(b) Legal Standard for an Anticipation Rejection

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Furthermore, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *See also MPEP 2131 et seq.*

(c) Each Element of Claim 2 is Not Found in Delfer

Each element of claim 2 is not found expressly or inherently in Delfer. In particular, the "communicating the payment instructions from the memory directly to the payee..." element and the "structured remittance data that is kept hidden from the payee" element are not found expressly or inherently in Delfer for the reasons set forth below.

(i) "Communicating the Payment Instructions From the Memory Directly to the Payee..." Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclose the "communicating the payment instructions directly to the payee" claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant's response to the First Office Action, it is clear in Delfer that the billing system provider (a third party) is involved in the automated remittance transaction between a consumer (the claimed payor) and a vendor (the claimed payee). In contrast, the claimed method permits the payment instructions to be directly communicated to the payee from the payor thereby eliminating any third party involvement such as the billing system provider in Delfer. Therefore, Delfer does not disclose and cannot disclose the direct communication between the vendor (the claimed payee) and the consumer (the claimed payor).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant's argument to the First Office Action, that:

“Delfer discloses “communicating the payment instructions directly to the payee to initiate payment of the amount” (The bar coded information containing payment instructions is communicated to the sole vendor who may have funds directed to their depository, which is interpreted by the Examiner as payment instructions being communicated directly to the payee to initiate payment of the amount- col. 6, lines 30-40.” *See Final Office Action at pg. 2-3.*

As set forth in Appellant's response to the Final Office Action, this conclusion is inaccurate because, even in the sole vendor embodiment set forth at Col. 6, lines 30-40, the payment instructions are not communicated directly to the payee as set forth in the claims. Delfer discloses that the instructions may be initiated by the vendor's own depository (*See Delfer at Col. 6, lines 35-38*), but “Prior to the requested transactions, the host depository 12 (preferably a bank) has agreed with the billing service provider to act as the legal agency for conducting the inter-depository funds transfer” (*See Delfer at Col. 6, lines 38-42.*) It is clear that, in every embodiment, the billing service is in the middle of the transaction (see Figure 1 flowchart) as Delfer is a billing remittance system. Thus, even in the sole vendor embodiment, the payment instructions from the consumer goes to the billing service who then send those instructions onto the host depository 12 as shown clearly in the flowchart in Figure 1.

Furthermore, the examiner's assertion for the structured remittance data element below directly contradicts the above assertion because the examiner specifically notes that “The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” This statement in Delfer clearly shows that Delfer does not communicate payment instructions directly with the payee.

Thus, the examiner's assertion in the Final Office action is without merit.

(C) Advisory Action

In response to Appellant's arguments made in response to the Final Office Action, the examiner cited pages 12-17 of Appellant's specification stating:

“various means by which the invention may be carried out are disclosed. The means include computer instructions, keyboard, instructions initiated by entity, etc. Delfer discloses that the payment instructions may be communicated directly to the payee to initiate payment of the amount by way of computer instructions based on instructions initiated by the entity (col. 5, line 60 to col. 6, line 40).” *See Advisory Action at 2.*

While it is true that Appellant discloses various means for the different functions of the invention, nowhere does Appellant disclose that an element that performs the function of “communicating the payment instructions directly to the payee” can be carried out by “computer instructions, keyboard, instructions initiated by entity, etc.” Thus, the examiner citation to the specification in the Advisory Action is nonsensical.

Furthermore, the portions of Delfer cited by the examiner in the Advisory Action is the same as the portions of Delfer previously cited by examiner and therefore does not provide any additional support for the examiner's position.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(ii) “Structured Remittance Data that is Kept Hidden From the Payee” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclosed the “structured remittance data that is kept hidden from the

payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant’s response to the First Office Action, nowhere does Delfer disclose or even suggest a payment remittance with a structured remittance data that is kept hidden from the payee (the vendor in Delfer).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant’s argument to the First Office Action, that:

“The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” *Final Office Action at pg. 3.*

As set forth in Appellant’s response to the Final Office Action, while the examiner’s recitation of the disclosure in Delfer that the funds transfer is to the billing service provider is correct, Delfer does not specifically disclose that the “structured remittance data is kept hidden from the payee. The examiner’s assertion is mere conjecture and there is nothing in Delfer that specifically discloses that the remittance data is kept hidden from the payee. Thus, the examiner has not shown that this claim element is found, expressly or inherently, in Delfer in as much detail as set forth in the claim

(C) Advisory Action

In response to Appellant’s arguments made in response to the Final Office Action, the examiner stated:

“Delfer discloses a first computer to control the overall operation of the system, including storage means for database files and means for maintaining the currency of these database files (p.3, 59-65).
Transmission of funds transactions held in transmittal files is done by any suitable means, including telephone, satellite transmission, or the like (p.6, 30-40). On p.13 of the Applicant’s specification, the Applicant

specifically discloses that the limitations may be performed by way of computer storage, wireless storage network, and keyboard.” *See Advisory Action at pg. 2.*

While the portion of the specification cited by the examiner discloses the elements cited by the examiner, those elements are simply elements that may be used to perform the recited function. However, simply finding those elements in Delfer as the examiner has done in the Advisory Action does not mean that the examiner has shown that the “structured remittance data that is kept hidden from the payee” claim element is found expressly or inherently in Delfer in as much detail as much detail as in the claims. Thus, nothing in the Advisory Action further supports the examiner’s rejection of this element of claim 1.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(iii) Conclusion

Thus, these two elements of claim 2 are not found, expressly or inherently, in Delfer in as complete detail as is contained in the claim for the reasons set forth above. Therefore, the examiner rejection of claim 2 as anticipated by Delfer is improper for the reasons set forth above and therefore the anticipatory rejection must be overturned by the Board.

C. Claim 21 Is Not Anticipated by Delfer

The Examiner has rejected Claim 21 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,496,991 to Delfer, III et al. (hereinafter “Delfer”). *See Final Office action at pg. 2.*

The Board should overturn this rejection because each element of claim 21 is not found expressly or inherently in Delfer in as much detail as in the claim for the reasons set forth below and therefore the anticipation rejection must be overturned by the Board.

1. Summary of the Delfer

The summary of Delfer is set forth above and will not be repeated here.

2. Delfer Compared to Claimed Invention

The comparison of Delfer and the claimed invention is set forth above and will not be repeated here.

3. Claim 21

21. A device, comprising:

means for generating a receipt and a payment remittance information;

means for enabling a payor to authorize a payment due on the receipt; and

means for associating the payment with the payment remittance information;

means for communicating the payment instructions directly to the payor to initiate payment of the amount; and

wherein the device conducts a transaction using a medium,

wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee.

(a) Examiner's Rejection of Claim 21

The examiner has rejected claim 21 as anticipated by Delfer for the reasons set forth in the First and Final Office actions as well as the Advisory Action. In the first office action after the Request for Continued Examination ("RCE"), the examiner cited only to a single portion of Delfer (Col. 5, line 33- Col. 6, line 55) in rejecting claim 21. *See First Office Action at pp. 2-5.* In the Final Office Action, the examiner reaffirmed the rejection made in the First Office Action and cited to two additional portions of Delfer (Col. 6, lines 30-50 and Col. 4, lines 1-15) in response to Appellant's arguments made in response to the First Office Action. *See Final Office Action at 2-3.* In the Advisory Action, the examiner reiterated the rejection, cited to Appellant's disclosure and then cited to several sections of Delfer previously cited by the examiner. *See Advisory Action at pg. 2.*

(b) Legal Standard for an Anticipation Rejection

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *See also MPEP 2131 et seq.*

(c) Each Element of Claim 21 is Not Found in Delfer

Each element of claim 21 is not found expressly or inherently in Delfer. In particular, the "means for communicating the payment instructions directly to the payor to initiate payment of the amount" element and the "wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee" element are found expressly or inherently in Delfer. In summary, at least these two elements of claim 21 are not found expressly or inherently in Delfer and therefore the anticipatory rejection based on Delfer is improper and should be overturned by the Board.

(i) "Means for Communicating the Payment Instructions Directly to the Payor..." Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclose the "means for communicating the payment instructions directly to the payee" claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant's response to the First Office Action, it is clear in Delfer that the billing system provider (a third party) is involved in the automated remittance transaction between a consumer (the claimed payor) and a vendor (the claimed payee). In contrast, the claimed method permits the payment instructions to be directly communicated to the payee from the payor thereby eliminating any third party involvement such as the billing system provider in Delfer. Therefore, Delfer does not disclose and cannot disclose the direct communication between the vendor (the claimed payee) and the consumer (the claimed payor).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant's argument to the First Office Action, that:

“Delfer discloses “communicating the payment instructions directly to the payee to initiate payment of the amount” (The bar coded information containing payment instructions is communicated to the sole vendor who may have funds directed to their depository, which is interpreted by the Examiner as payment instructions being communicated directly to the payee to initiate payment of the amount- col. 6, lines 30-40.” *See Final Office Action at pg. 2-3.*

As set forth in Appellant's response to the Final Office Action, this conclusion is inaccurate because, even in the sole vendor embodiment set forth at Col. 6, lines 30-40, the payment instructions are not communicated directly to the payee as set forth in the claims. Delfer discloses that the instructions may be initiated by the vendor's own depository (*See Delfer at Col. 6, lines 35-38*), but “Prior to the requested transactions, the host depository 12 (preferably a bank) has agreed with the billing service provider to act as the legal agency for conducting the inter-depository funds transfer” (*See Delfer at Col. 6, lines 38-42.*) It is clear that, in every embodiment, the billing service is in the middle of the transaction (see Figure 1 flowchart) as Delfer is a billing remittance system. Thus, even in the sole vendor embodiment, the payment instructions from the consumer goes to the billing service who then send those instructions onto the host depository 12 as shown clearly in the flowchart in Figure 1.

Furthermore, the examiner's assertion for the structured remittance data element below directly contradicts the above assertion because the examiner specifically notes that "The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50." This statement in Delfer clearly shows that Delfer does not communicate payment instructions between the payee and the payor.

Thus, the examiner's assertion in the Final Office action is without merit.

(C) Advisory Action

In response to Appellant's arguments made in response to the Final Office Action, the examiner cited pages 12-17 of Appellant's specification stating:

"various means by which the invention may be carried out are disclosed. The means include computer instructions, keyboard, instructions initiated by entity, etc. Delfer discloses that the payment instructions may be communicated directly to the payee to initiate payment of the amount by way of computer instructions based on instructions initiated by the entity (col. 5, line 60 to col. 6, line 40)." *See Advisory Action at 2.*

While it is true that Appellant discloses various means for the different functions of the invention, nowhere does Appellant disclose that an element that performs the function of "communicating the payment instructions directly to the payee" can be carried out by "computer instructions, keyboard, instructions initiated by entity, etc." Thus, the examiner citation to the specification in the Advisory Action is nonsensical.

Furthermore, the portions of Delfer cited by the examiner in the Advisory Action is the same as the portions of Delfer previously cited by examiner and therefore does not provide any additional support for the examiner's position.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(ii) “Structured Remittance Data that is Kept Hidden From the Payee” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclosed the “structured remittance data that is kept hidden from the payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant’s response to the First Office Action, nowhere does Delfer disclose or even suggest a payment remittance with a structured remittance data that is kept hidden from the payee (the vendor in Delfer).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant’s argument to the First Office Action, that:

“The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” *Final Office Action at pg. 3.*

As set forth in Appellant’s response to the Final Office Action, while the examiner’s recitation of the disclosure in Delfer that the funds transfer is to the billing service provider is correct, Delfer does not specifically disclose that the “structured remittance data is kept hidden from the payee. The examiner’s assertion is mere conjecture and there is nothing in Delfer that specifically discloses that the remittance data is kept hidden from the payee. Thus, the examiner has not shown that this claim element is found, expressly or inherently, in Delfer in as much detail as set forth in the claim

(C) Advisory Action

In response to Appellant's arguments made in response to the Final Office Action, the examiner stated:

“Delfer discloses a first computer to control the overall operation of the system, including storage means for database files and means for maintaining the currency of these database files (p.3, 59-65).

Transmission of funds transactions held in transmittal files is done by any suitable means, including telephone, satellite transmission, or the like (p.6, 30-40). On p.13 of the Applicant's specification, the Applicant specifically discloses that the limitations may be performed by way of computer storage, wireless storage network, and keyboard.” *See Advisory Action at pg. 2.*

While the portion of the specification cited by the examiner discloses the elements cited by the examiner, those elements are simply elements that may be used to perform the recited function. However, simply finding those elements in Delfer as the examiner has done in the Advisory Action does not mean that the examiner has shown that the “structured remittance data that is kept hidden from the payee” claim element is found expressly or inherently in Delfer in as much detail as much detail as in the claims. Thus, nothing in the Advisory Action further supports the examiner's rejection of this element of claim 21.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(iii) Conclusion

Thus, these two elements of claim 21 are not found, expressly or inherently, in Delfer in as complete detail as is contained in the claim for the reasons set forth above. Therefore, the examiner rejection of claim 21 as anticipated by Delfer is improper for the reasons set forth above and therefore the anticipatory rejection must be overturned by the Board.

D. Claim 22 Is Not Anticipated by Delfer

The Examiner has rejected Claim 22 under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,496,991 to Delfer, III et al. (hereinafter “Delfer”). *See Final Office action at pg. 2.*

The Board should overturn this rejection because each element of claim 22 is not found expressly or inherently in Delfer in as much detail as in the claim for the reasons set forth below and therefore the anticipation rejection must be overturned by the Board.

1. Summary of the Delfer

The summary of Delfer is set forth above and will not be repeated here.

2. Delfer Compared to Claimed Invention

The comparison of Delfer and the claimed invention is set forth above and will not be repeated here.

3. Claim 22

22. A device, comprising:

means for storing a receipt and a payment remittance information, the payment remittance information comprising a structured remittance data that is kept hidden from a payee;

means for presenting the receipt to the payee without revealing the structured remittance data;

means for enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data; means for associating the payment instructions with the structured remittance data;

means for communicating the payment instructions directly to the payor to initiate payment of the amount; and

means for routing the amount to a payee.

(a) Examiner’s Rejection of Claim 22

The examiner has rejected claim 22 as anticipated by Delfer for the reasons set forth in the First and Final Office actions as well as the Advisory Action. In the first office action after

the Request for Continued Examination (“RCE”), the examiner cited only to a single portion of Delfer (Col. 5, line 33- Col. 6, line 55) in rejecting claim 22. *See First Office Action at pp. 2-5.* In the Final Office Action, the examiner reaffirmed the rejection made in the First Office Action and cited to two additional portions of Delfer (Col. 6, lines 30-50 and Col. 4, lines 1-15) in response to Appellant’s arguments made in response to the First Office Action. *See Final Office Action at 2-3.* In the Advisory Action, the examiner reiterated the rejection, cited to Appellant’s disclosure and then cited to several sections of Delfer previously cited by the examiner. *See Advisory Action at pg. 2.*

(b) Legal Standard for an Anticipation Rejection

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). *See also MPEP 2131 et seq.*

(c) Each Element of Claim 22 is Not Found in Delfer

Each element of claim 22 is not found expressly or inherently in Delfer. In particular, the “means for communicating the payment instructions directly to the payor to initiate payment of the amount” element and the “wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee” element are found expressly or inherently in Delfer. In summary, at least these two elements of claim 22 are not found expressly or inherently in Delfer and therefore the anticipatory rejection based on Delfer is improper and should be overturned by the Board.

(i) “Means for Communicating the Payment Instructions Directly to the Payor...” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclose the “communicating the payment instructions directly to the payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant’s response to the First Office Action, it is clear in Delfer that the billing system provider (a third party) is involved in the automated remittance transaction between a consumer (the claimed payor) and a vendor (the claimed payee). In contrast, the claimed method permits the payment instructions to be directly communicated to the payee from the payor thereby eliminating any third party involvement such as the billing system provider in Delfer. Therefore, Delfer does not disclose and cannot disclose the direct communication between the vendor (the claimed payee) and the consumer (the claimed payor).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant’s argument to the First Office Action, that:

“Delfer discloses “communicating the payment instructions directly to the payee to initiate payment of the amount” (The bar coded information containing payment instructions is communicated to the sole vendor who may have funds directed to their depository, which is interpreted by the Examiner as payment instructions being communicated directly to the payee to initiate payment of the amount- col. 6, lines 30-40.” *See Final Office Action at pg. 2-3.*

As set forth in Appellant’s response to the Final Office Action, this conclusion is inaccurate because, even in the sole vendor embodiment set forth at Col. 6, lines 30-40, the payment instructions are not communicated directly to the payee as set forth in the claims. Delfer discloses that the instructions may be initiated by the vendor’s own depository (*See Delfer at Col. 6, lines 35-*

38), but “Prior to the requested transactions, the host depository 12 (preferably a bank) has agreed with the billing service provider to act as the legal agency for conducting the inter-depository funds transfer” (*See Delfer at Col. 6, lines 38-42.*) It is clear that, in every embodiment, the billing service is in the middle of the transaction (see Figure 1 flowchart) as Delfer is a billing remittance system. Thus, even in the sole vendor embodiment, the payment instructions from the consumer goes to the billing service who then send those instructions onto the host depository 12 as shown clearly in the flowchart in Figure 1.

Furthermore, the examiner’s assertion for the structured remittance data element below directly contradicts the above assertion because the examiner specifically notes that “The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” This statement in Delfer clearly shows that Delfer does not communicate payment instructions directly with the payee.

Thus, the examiner’s assertion in the Final Office action is without merit.

(C) Advisory Action

In response to Appellant’s arguments made in response to the Final Office Action, the examiner cited pages 12-17 of Appellant’s specification stating:

“various means by which the invention may be carried out are disclosed. The means include computer instructions, keyboard, instructions initiated by entity, etc. Delfer discloses that the payment instructions may be communicated directly to the payee to initiate payment of the amount by way of computer instructions based on instructions initiated by the entity (col. 5, line 60 to col. 6, line 40).” *See Advisory Action at 2.*

While it is true that Appellant discloses various means for the different functions of the invention, nowhere does Appellant disclose that an element that performs the function of “communicating the payment instructions directly to the payee” can be carried out by “computer instructions, keyboard, instructions initiated by entity, etc.” Thus, the examiner citation to the specification in the Advisory Action is nonsensical.

Furthermore, the portions of Delfer cited by the examiner in the Advisory Action is the same as the portions of Delfer previously cited by examiner and therefore does not provide any additional support for the examiner's position.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(ii) “Structured Remittance Data that is Kept Hidden From the Payee” Element

The examiner has not established (in the First Office Action, Final Office Action or the Advisory Action) that this claim element is found, expressly or inherently, in Delfer.

(A) First Office Action

In the First Office Action, the examiner cited to a large portion of Delfer (Col. 5, line 35 – Col. 6, line 55) and simply repeated the claim language with no explanation whatsoever as to how the cited portions of Delfer disclosed the “structured remittance data that is kept hidden from the payee” claim element. Thus, the examiner did not establish where this claim element is found expressly or inherently in Delfer in the First Office Action.

As set forth in Appellant's response to the First Office Action, nowhere does Delfer disclose or even suggest a payment remittance with a structured remittance data that is kept hidden from the payee (the vendor in Delfer).

(B) Final Office Action

In the Final office action, the examiner asserts, in response to Appellant's argument to the First Office Action, that:

“The structured remittance data is kept hidden from the payee in that the payor provides information for funds transfer to someone other than the payee (a billing service provider) which the payor does not have access to – col. 4, lines 1-15 and col. 6, lines 30-50.” *Final Office Action at pg. 3.*

As set forth in Appellant's response to the Final Office Action, while the examiner's recitation of the disclosure in Delfer that the funds transfer is to the billing service provider is correct, Delfer does not specifically disclose that the "structured remittance data is kept hidden from the payee. The examiner's assertion is mere conjecture and there is nothing in Delfer that specifically discloses that the remittance data is kept hidden from the payee. Thus, the examiner has not shown that this claim element is found, expressly or inherently, in Delfer in as much detail as set forth in the claim

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Transmission of funds transactions held in transmittal files is done by any suitable means, including telephone, satellite transmission, or the like (p.6, 30-40). On p.13 of the Applicant's specification, the Applicant specifically discloses that the limitations may be performed by way of computer storage, wireless storage network, and keyboard." *See Advisory Action at pg. 2.*

While the portion of the specification cited by the examiner discloses the elements cited by the examiner, those elements are simply elements that may be used to perform the recited function. However, simply finding those elements in Delfer as the examiner has done in the Advisory Action does not mean that the examiner has shown that the "structured remittance data that is kept hidden from the payee" claim element is found expressly or inherently in Delfer in as much detail as much detail as in the claims. Thus, nothing in the Advisory Action further supports the examiner's rejection of this element of claim 22.

(D) Conclusion

Thus, the examiner has not, in the First Office Action, Final Office Action or the Advisory Action, shown that this claim element is found, expressly or inherently, in Delfer in as complete detail as is contained in the claim.

(iii) Conclusion

Thus, these two elements of claim 22 are not found, expressly or inherently, in Delfer in as complete detail as is contained in the claim for the reasons set forth above. Therefore, the examiner rejection of claim 22 as anticipated by Delfer is improper for the reasons set forth above and therefore the anticipatory rejection must be overturned by the Board.

E. Claims 3-19 and 23-39 and 41

Claims 3-19 (that depend directly or indirectly on claims 1 or 2) and claims 23-39 and 41 (that depend directly or indirectly on claims 21 or 22) were also improperly rejected based on Delfer and the rejection of those claims must be overturned by the Board as well.

F. Conclusion

In view of the foregoing arguments, the anticipation rejection of claims 1-19, 21-39 is improper and should be overturned by the Board.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously Presented) A method for conducting a transaction using a medium based on a receipt having payment remittance information, comprising:

enabling a payor to authorize a payment due on the receipt to a payee;
associating the payment with the payment remittance information;
communicating the payment instructions directly to the payee to initiate payment of the amount; and

wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee.

2. (Previously Presented) A method of executing computer-executable instructions residing in or on a processor using a medium, comprising:

storing a receipt and a payment remittance information in a memory, the payment remittance information comprising a structured remittance data that is kept hidden from a payee;

presenting the receipt to the payee without revealing the structured remittance data;

enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data;

associating the payment instructions with the structured remittance data; communicating the payment instructions from the memory directly to the payor to initiate payment of the amount; and

routing the amount to a payee.

3. (Previously Presented) The method of claim 1, further comprising:

presenting the receipt to the payee without revealing the structured remittance data;
communicating payment instructions to a payor to initiate payment of an amount to be paid on the receipt; and routing the amount to a payee;

wherein the enabling the entity comprises specifying the payment instructions comprising at least the amount and an account at the payor from which to draw the amount.

4. (Original) The method of claim 1, 2 or 3, further comprising communicating the receipt and the payment remittance information to at least an intermediary.

5. (Original) The method of claim 1, 2 or 3, wherein the receipt is selected from the group consisting of a traffic ticket, a citation, a utility bill, a court ticket, a court warrant, hospital receipt, a rental receipt, a property tax receipt, a property transfer tax receipt, a business permits receipt, a business license receipt, a business license renewal receipt, an administrative citation receipt, a facility rental receipt, a class sign-up receipt, a building permit receipt, a planning permit receipt, an airport use receipt, a roads and highway receipt, a fire department receipt, a waste disposal receipt, a recycling waste bill, a marriage license receipt, a birth certificate receipt, a death certificate receipt, a lien receipt, a passport application receipt, a passport renewal receipt, a visa application receipt, a visa renewal receipt, a land development maps receipt, an United States Geological Service Maps Division receipt, an Internal Revenue Service receipt, a State Tax Board receipt, a Driver's license renewal receipt, a Vehicle License tags renewal receipt, a car insurance receipt, an electric bill, a phone bill, a gas bill, a water receipt, a business tax receipt and a parking ticket; and

wherein the medium optionally comprises a memory device storing a program and is selected from the group consisting of a computer, a cellular telephone, a portal, a network, Internet, smart cards, a wireless access device, smart crystals, hand-held display screens, fiber optics, digital optical readers, digital print readers, a broadband network, a DVD-ROM, a CD-RW, a telecommunication line cord, a bio-crystal network, bar codes, Secure Sockets Layer, Hyper text Socket Layer, data crystals, artificial intelligence, laser scanners and computer-executable instructions.

6. (Original) The method of claim 2 or 3, wherein the communicating payment instructions to a payor is performed electronically.

7. (Original) The method of claim 4, wherein the communicating the receipt and the payment remittance information is performed electronically.

8. (Original) The method of claim 2 or 3, wherein the routing the amount is performed electronically.

9. (Original) The method of claim 2 or 3, wherein the presenting the receipt is performed electronically.

10. (Original) The method of claim 2 or 3, wherein the payor is selected from the group consisting of a bank, an entity and a credit card facility.

11. (Original) The method of claim 2 or 3, wherein the payee is selected from the group consisting of an intermediary, a government agency, a government department, a business, citizens and a collection agency.

12. (Previously Presented) The method of claim 2 or 3, wherein the enabling the payor further comprises specifying a payment date.

13. (Previously Presented) The method of claim 2 or 3, wherein the routing the amount to a payee is without intervention of the payee.

14. (Original) The method of claim 2 or 3, further comprising designating the payee.

15. (Original) The method of claim 2 or 3, further comprising submitting the payment instructions an account clearing house payment system or a credit card processing system.

16. (Original) The method of claim 2 or 3, further comprising communicating non-billing information with the receipt.

17. (Original) The method of claim 1, 2 or 3, further comprising encrypting the receipt and the payment instructions.

18. (Original) The method of claim 1, 2 or 3, further comprising digitally signing the receipt.

19. (Original) The method of claim 1, 2 or 3, further comprising authenticating the receipt.

20. Cancelled.

21. (Previously Presented) A device, comprising:
means for generating a receipt and a payment remittance information;

means for enabling a payor to authorize a payment due on the receipt; and

means for associating the payment with the payment remittance information;

means for communicating the payment instructions directly to the payor to initiate payment of the amount; and

wherein the device conducts a transaction using a medium,

wherein the payment remittance information is arranged within a data structure, the data structure comprising one or more open data fields to hold data that the payor can enter, and the payment remittance information further comprises a structured remittance data that is kept hidden from the payee.

22. (Previously Presented) A device, comprising:

means for storing a receipt and a payment remittance information, the payment remittance information comprising a structured remittance data that is kept hidden from a payee;

means for presenting the receipt to the payee without revealing the structured remittance data;

means for enabling the payor to specify payment instructions comprising at least an amount to be paid on the receipt and an account at a payor from which to draw the amount while prohibiting the payor from altering data contained in the structured remittance data; means for associating the payment instructions with the structured remittance data;

means for communicating the payment instructions directly to the payor to initiate payment of the amount; and

means for routing the amount to a payee.

23. (Original) The device of claim 21, further comprising:

means for presenting the receipt to the entity without revealing the structured remittance data; means for communicating payment instructions to a payor to initiate payment of an amount to be paid on the receipt; and means for routing the amount to a payee;

wherein the mean for enabling the entity comprises means for specifying the payment

instructions comprising at least the amount and an account at the payor from which to draw the amount.

24. (Original) The device of claim 21, 22 or 23, further comprising means for communicating the receipt and the payment remittance information to at least an intermediary.

25. (Original) The device of claim 21, 22 or 23, wherein the receipt is selected from the group consisting of a traffic ticket, a citation, a utility bill, a court ticket, a court warrant, hospital receipt, a rental receipt, a property tax receipt, a property transfer tax receipt, a business permits receipt, a business license receipt, a business license renewal receipt, an administrative citation receipt, a facility rental receipt, a class sign-up receipt, a building permit receipt, a planning permit receipt, an airport use receipt, a roads and highway receipt, a fire department receipt, a waste disposal receipt, a recycling waste bill, a marriage license receipt, a birth certificate receipt, a death certificate receipt, a lien receipt, a passport application receipt, a passport renewal receipt, a visa application receipt, a visa renewal receipt, a land development maps receipt, an United States Geological Service Maps Division receipt, an Internal Revenue Service receipt, a State Tax Board receipt, a Driver's license renewal receipt, a Vehicle License tags renewal receipt, a car insurance receipt, an electric bill, a phone bill, a gas bill, a water receipt, a business tax receipt and a parking ticket.

26. (Original) The device of claim 22 or 23, wherein the means for communicating payment instructions to a payor is electronic.

27. (Original) The device of claim 24, wherein the means for communicating the receipt and the payment remittance information is electronic.

28. (Original) The device of claim 22 or 23, wherein the means for routing the amount is electronic.

29. (Original) The device of claim 22 or 23, wherein the means for presenting the receipt is electronic.

30. (Original) The device of claim 22 or 23, wherein the payor is selected from the group consisting of a bank, an entity and a credit card facility.

31. (Original) The device of claim 22 or 23, wherein the payee is selected from the group consisting of an intermediary, a government agency, a government department, a business, citizens and a collection agency.

32. (Previously Presented) The device of claim 22 or 23, wherein the means for enabling the payor further comprises means for specifying a payment date.

33. (Previously Presented) The device of claim 22 or 23, wherein the means for routing the amount to a payee is without intervention of the payee.

34. (Original) The device of claim 22 or 23, further comprising means for designating the payee.

35. (Original) The device of claim 22 or 23, further comprising means for submitting the payment instructions an account clearing house payment system or a credit card processing system.

36. (Original) The device of claim 22 or 23, further comprising means for communicating non-billing information with the receipt.

37. (Original) The device of claim 21, 22 or 23, further comprising means for encrypting the receipt and the payment instructions.

38. (Original) The device of claim 21, 22 or 23, further comprising means for digitally signing the receipt.

39. (Original) The device of claim 21, 22 or 23, further comprising means for authenticating the receipt.

40. Cancelled.

41. (Original) The device of claim 21, 22 or 23, wherein the device is selected from the group consisting of a computer, a cellular telephone, a portal, a network, Internet, smart cards, a wireless access device, smart crystals, hand-held display screens, fiber optics, digital optical readers, digital print readers, a broadband network, a DVD-ROM, a CD-RW, a telecommunication line cord, a bio-crystal network, bar codes, Secure Sockets Layer, Hyper text Socket Layer, data crystals, artificial intelligence, laser scanners and computer-executable instructions.

EVIDENCE APPENDIX

NONE

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Attorney Docket No.: 361916-991100
Appeal Brief

RELATED PROCEEDINGS APPENDIX

NONE